

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 24-cv-21649-BLOOM/Elfenbein

DAVID PEYTON,

Plaintiff,

v.

ERIC K. GRANT,

Defendant.

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ORDER ON REPORT AND RECOMMENDATION

THIS CAUSE is before the Court upon two Motions: (1) Intervenor-Plaintiff David Martinez and Plaintiff/Intervenor-Defendant David Peyton’s Joint Expedited Motion for Contempt Against Defendant/Intervenor-Defendant Eric Grant (“Motion for Contempt”), ECF No. [52], filed on August 2, 2024; (2) Intervenor-Plaintiff David Martinez’s Motion for Rule 11 Sanctions Against Defendant/Intervenor-Defendant Eric Grant and his Counsel (“Motion for Sanctions”), ECF No. [53], filed on August 6, 2024. The Motions were referred to United States Magistrate Judge Marty Fulgueira Elfenbein for a Report and Recommendation (“R&R”), ECF Nos. [54], [70]. On October 18, 2024, Judge Fulgueira Elfenbein issued a R&R, ECF No. [112], recommending that the Motion for Contempt be granted in part and denied in part, and the Motion for Sanctions be denied without prejudice. None of the Parties filed objections to the R&R.

“If a party fails to object to any portion of the magistrate judge’s report, those portions are reviewed for clear error.” *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006) (quoting *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999)). The portions of the report and recommendation to which an objection is made are reviewed *de novo* only if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d

Case No. 24-cv-21649-BLOOM/Elfenbein

1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3); *Williams v. McNeil*, 557 F.3d 1287, 1291 (11th Cir. 2009) (citing 28 U.S.C. § 636(b)(1)). Nevertheless, the Court has conducted a *de novo* review of the record and is fully advised. Upon review, the Court finds the R&R to be well reasoned and correct. The Court therefore agrees with the analysis in the R&R and concludes that the Motion for Contempt, ECF No. [52], must be granted in part and denied in part, and the Motion for Sanctions, ECF No. [53], must be denied without prejudice for the reasons stated therein.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The Report & Recommendation, **ECF No. [112]**, is **ADOPTED**;
2. The Motion for Contempt, **ECF No. [52]**, is **GRANTED IN PART** and **DENIED IN PART**; and
3. The Motion for Sanctions, **ECF No. [53]**, is **DENIED WITHOUT PREJUDICE**.

DONE AND ORDERED in Chambers at Miami, Florida, on November 4, 2024.

A handwritten signature in black ink, appearing to be 'B. Bloom', written over a horizontal line.

BETH BLOOM
UNITED STATES DISTRICT JUDGE

cc: counsel of record